

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
GWENDOLYN WHITEHEAD,

Plaintiff,

-against-

MIX UNIT, LLC,

Defendant.
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USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 4/18/2019

17-CV-9476 (VSB)

ORDER

VERNON S. BRODERICK, United States District Judge:

On December 4, 2017, Plaintiff Gwendolyn Whitehead initiated this action by filing the Complaint. (Doc. 1.) A copy of the Complaint was served on Defendant Mix Unit, LLC on December 11, 2017, (Doc. 5), but Defendant failed to answer or respond to the Complaint, or otherwise appear in the action. After Defendant failed to appear at an April 5, 2018 hearing to show cause why a default judgment should not be entered, I entered a default judgment in favor of Plaintiff and referred the case to Magistrate Judge James L. Cott for an inquest on damages and attorneys' fees. (Docs. 14, 16.)


On January 31, 2019, Judge Cott issued a Report and Recommendation recommending that I award statutory damages in the amount of \$25,000 to Plaintiff and attorneys' fees and costs in the amount of \$3,637.50. (Doc. 19.) No objections have been filed and the deadline for objections has passed, *see* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b), and no requests for an extension have been filed.

I have reviewed the Report and Recommendation for clear error and find none. *See Braunstein v. Barber*, No. 06 Civ. 5978(CS)(GAY), 2009 WL 1542707, at *1 (S.D.N.Y. June 2, 2009) (explaining that a "district court may adopt those portions of a report and recommendation

to which no objections have been made, as long as no clear error is apparent from the face of the record”). Accordingly, I hereby ADOPT the Report and Recommendation, (Doc. 19), in its entirety. Plaintiff is entitled to statutory damages in the amount of \$25,000 and attorneys’ fees and costs in the amount of \$3,637.50. The Clerk of Court is respectfully directed to enter judgment accordingly and close the case.

SO ORDERED.

Dated: April 18, 2019
New York, New York


Vernon S. Broderick
United States District Judge